

REMARKS

This response is to the Office Letter mailed in the above-referenced case on November 02, 2005. Claims 1-18 are standing for examination. Claims 1, 5, 9, 13 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al. (US 6138008) hereinafter Dunn. Claims 2-4, 6-8, 10-12, and 14-16 are rejected as being unpatentable over Dunn in view of Logan (US Pub. 20050153729) hereinafter Logan.

In response to the Examiner's present office action, applicant herein amends some of the independent claims to more particularly recite that the telephone options are presented to the calling party based upon the determined time of day of the called party. The Examiner rejects all of applicant's independent claims as being anticipated by Dunn. Specifically regarding claims 5, 13 and 18 said claims recite determining a geographic location for a subscriber to the system for a call placed by a caller; determining the TOD at the subscriber's location; and checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range.

The Examiner states that Dunn teaches applicant's claim 5, step (c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range (fig.2a-2d, abstract, col.4, lines 9-30, col.4, line 62 to col.5, line 13). Applicant respectfully disagrees.

Applicant argues that Dunn may determine geographic location and TOD at the geographic location, but fails to provide options to the calling party based upon the TOD determined. Applicant argues that the only event which offers the calling party options in the art of Dunn is when the called party does not answer, busy signal, changed number or other instances in which the call cannot be completed (Col. 4, lines 33-38). There is absolutely no teaching or motivations contained in the specification of Dunn to give a calling party call completion options based upon the TOD of the called party.

Applicant also argues that Logan fails to teach providing options based on TOD. Logan merely allows the called party to set up call answering and forwarding features, but has no teaching or motivation for providing options dependent upon the TOD of the

called party. The Examiner has failed to provide a piece of art to teach applicant's key limitation of calling options being provided based upon a determined TOD of the called party, as claimed.

Therefore applicant's independent claims 5, 13 and 18 are patentable as argued over the art provided by the Examiner. Claims 1 and 9, as amended, are also patentable over the art of Dunn and Logan. Dependent claims 2-4, 6-8, 11-12 and 14-16 are patentable on their own merits, or at least as depended upon a patentable claim. Claims 17 and 10 are herein cancelled.

Applicant respectfully request reexamination and the case be quickly passed to issue. If there are any fees due beyond any fees paid with the present application and amendment, such fees are authorized to be deducted from deposit account 50-0534, and if any time extensions such extensions are petitioned, and fees authorized to be deducted from deposit account 50-0534.

Respectfully submitted,
S. Michael Perlmutter

By *Donald R. Boys*
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
P.O. Box 187
Aromas, CA 95004
831-726-0157